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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,856	11/20/2001	Ulrich Bungert	A34772	1242
7590 11/23/2004			EXAMINER	
Andreas Grubert Baker Botts L.L.P. One Shell Plaza 910 Louisiana Street Houston TX, TX 77002-4995			SHUTE, DOUGLAS M	
			ART UNIT	PAPER NUMBER
			2121	
			DATE MAILED: 11/23/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,856

Applicant(s)

BUNGERT ET AL.

Examiner

Douglas M. Shute

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 - 19 are presented for examination.

Drawings

2. The drawings are objected to because the labels therein are in German and which should all be in English. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not

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accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

3. Per Addendum sheet 1 received at time of application filing, it appeared that an IDS citation would follow but no subsequent IDS information was received by the Office.

4. If desired, an IDS may be submitted in response to this Office Action but must be made in accordance with Rules 97 and 98.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 8, 9, 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soergel et al.

(6,529,780) (hereinafter Soergel) in view of Crater et al.

(6,201,996) (hereinafter Crater).

7. As per claim 1, Soergel shows the invention substantially as claimed having an apparatus (e.g., col. 1, lines 4 - 13) for commissioning and/or diagnosing a control system, comprising a display device for displaying the control system's functionanlity (e.g., col. 3, line 45, "... using monitor"), and an engineering system for commissioning, project engineering, configuration of controls and drives and/or for compiling a

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control program on the basis of the functionality of the control system (e.g., figure 2, element 14). Soergel does not specifically utilize an object model in the control system. Crater shows the use of an object-oriented controller where control functionality is encapsulated in objects (e.g., claim 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the object-oriented control system of Crater could be utilized in the particular control system of Soergel to provide enhanced functionality thereof associated with object-oriented processing.

8. As per claim 8, it is rejected as being an analogous method to the apparatus of claim 1 and for associated reasons given above.

9. As per claim 2, it is rejected for reasons as given above for claim 1 and further as Crater shows data for the control system is administered on the basis of the object model (e.g., claim 1).

10. As per claim 9, it is rejected as being an analogous method to the apparatus of claim 2 and for associated reasons given above.

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11. As per claim 15, it is rejected for reasons as given above for claim 1 and further as it would have been obvious to one of ordinary skill in the art at the time the invention was made that a computer program could implement the apparatus according to claim 1 as the equivalence between various apparatus elements and corresponding software code is well known in the control area.

12. As per claim 16, it is rejected for reasons as given above for claim 15 and further as it would have been obvious to one of ordinary skill in the art at the time the invention was made that a data carrier could store a computer program according to claim 15 as it is well known in the control area that a program may be stored on a data carrier as a particular circumstance warranted.

13. As per claim 17, it is rejected for reasons as given above for claim 15 and further as it would have been obvious to one of ordinary skill in the art at the time the invention was made that a data processing device could comprise a computer program according to claim 15 as it is well known in the control area

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that a data processing device often includes a computer program as a constituent part as a particular circumstance warranted.

14. Claims 3, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soergel et al. (6,529,780) (hereinafter Soergel) in view of Crater et al. (6,201,996) (hereinafter Crater) and in further view of Conrad et al.

(5,539,870) (hereinafter Conrad).

15. As per claim 3, it is rejected for reasons as given above for claim 1. Further, the combination of Soergel and Crater does not specifically show that access to diagnostic information and commissioning tools as implemented by the engineering system on the basis of instances of control objects is staged. Conrad shows a variable level of detail during navigation of objects (e.g., col. 6, lines 31 - 43). It would have been obvious to one of ordinary skill in the art at the time the invention was made that diagnostic information and commissioning tools could be available to provide diagnosis and commissioning functions and that the navigation of objects at variable detail level in Conrad could be utilized in the combination of Soergel and Crater in order that only the extent of object data which is needed in a

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given situation is made viewable and thereby increasing overall system convenience.

16. As per claim 10, it is rejected as being an analogous method to the apparatus of claim 3 and for associated reasons given above.

17. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soergel et al. (6,529,780) (hereinafter Soergel) in view of Crater et al. (6,201,996) (hereinafter Crater) in further view of Conrad et al. (5,539,870) (hereinafter Conrad) and in further view of Anerousis et al. (6,393,472) (hereinafter Anerousis).

18. As per claim 4, it is rejected for reasons as given above for claim 3. Further, the combination of Soergel, Crater and Conrad does not specifically show that the instances of control objects are visualized in the engineering system via a project browser. Anerousis shows the visualization of an object by a browser (e.g., col. 4, lines 15-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the object viewing by browser of Anerousis in

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the combination of Soergel, Crater and Conrad in order to provide more convenient and flexible viewing of object information.

19. As per claim 11, it is rejected as being an analogous method to the apparatus of claim 4 and for associated reasons given above. In addition, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the objects being viewed would inherently have mutual relationships that could also be viewed by the visualization described in Anerousis.

20. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soergel et al. (6,529,780) (hereinafter Soergel) in view of Crater et al. (6,201,996) (hereinafter Crater) in further view of Conrad et al. (5,539,870) (hereinafter Conrad) in further view of Anerousis et al. (6,393,472) (hereinafter Anerousis) and in further view of Nason et al. (6,337,717) (hereinafter Nason).

21. As per claim 5, it is rejected for reasons as given above for claim 4. Further, the combination of Soergel, Crater, Conrad

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and Anerousis does not specifically show during navigation in the project browser that context-sensitive information and relevant tools to be executed could be visualized. Nason shows a context sensitive browser which includes a suite of tools (e.g., col. 17, lines 3 - 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made that browser context sensitivity and the availability of associated tools from Nason could be utilized in the combination of Soergel, Crater, Conrad, and Anerousis to provide enhanced and more flexible performance therefor.

22. As per claim 12, it is rejected as being an analogous method to the apparatus of claim 5 and for associated reasons given above.

23. Claims 6, 13, 14, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soergel et al. (6,529,780) (hereinafter Soergel) in view of Crater et al. (6,201,996) (hereinafter Crater) and in further view of McMillan et al. (6,118,448) (hereinafter McMillan).

24. As per claims 6 and 18, they are rejected for reasons as given above for claim 1. Further, the combination of Soergel and

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Crater does not specifically show data on-line or off-line which is held by the control system. McMillan (e.g., col. 4, lines 10 - 22) shows on-line data (e.g., executable code stored on disk drive - i.e., part of a "run-time system") and off-line data (e.g., source code displayed at an integrated development environment- i.e., part of an "engineering system") all of which forms part of a control system. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the stored on-line and off-line data of McMillan could be used in the combination of Soergel and Crater to enhance and expand on data storage capabilities thereof.

25. As per claims 13 and 19, they are rejected as analogous methods to the apparatus of claims 6 and 18, respectively and for the associated reasons given above.

26. As per claim 14, it is rejected for reasons as given above for claim 13 and further as it would have been obvious to one of ordinary skill in the art at the time the invention was made that data consistency between off-line and on-line data could be visualised in the project browser as the browser would by its nature provide the ability to rapidly visually assess whether

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various data items were the same or different as a particular circumstance warranted.

27. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soergel et al. (6,529,780) (hereinafter Soergel) in view of Crater et al. (6,201,996) (hereinafter Crater) in further view of McMillan et al. (6,118,448) (hereinafter McMillan) and in further view of Conrad et al. (5,539,870) (hereinafter Conrad).

28. As per claim 7, it is rejected for reasons as given above for claim 6. Further, the combination of Soergel, Crater and McMillan does not specifically show that the off-line and on-line data is visualized in a staged manner in the project browser. Conrad shows a variable level of detail during navigation of objects (e.g., col. 6, lines 31 - 43). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the navigation of objects (e.g., on-line or off-line data) at variable detail level in Conrad could be utilized in the combination of Soergel, Crater, and McMillan in order that only the extent of object data (e.g., on-line or off-line data) which is needed in a given situation is made viewable and thereby increasing overall system convenience.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas M. Shute whose telephone number is (571) 272-3690. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



November 18, 2004



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